

Legislative Oversight Hearing 01/12/09

My name is James Ricci and for six years, I worked as an Agent for the Department of Motor Vehicles. I testify before you today with only one objective. I wish to make our roads safer, I gain nothing else. I had the responsibility of conducting licensing tests with the offsite unit; I have worked in a number of branch locations and for my last three years with the State, worked in the Driver Education Unit. The Driver Education unit was responsible for the States Retraining Program and the Commercial Driving Schools.

When I brought my observations of constant violations of laws and regulations to the attention of my superiors, they were ignored. The reality was the DMV had a different objective, avoid accountability and to continue its go along to get along management style.

This pervasive corruption resulted in-

Thousands of new Drivers, under trained, both in the classroom and on the road.

Thousands of new Drivers, being issued drivers licenses without a proper eye test.

Thousands of teenage Drivers on the road with no eye test at all.

Thousands of teenage Drivers did not get the required Alcohol and Drug Training. Many teens in this group were taught by unlicensed instructors.

Thousands of new Drivers, trained by Driving Instructors, who were improperly trained. and did not receive the required hours of training.

DMV mismanagement and lack of oversight were responsible for-

Thousands of people, were given road tests by DMV personnel who have less hours of training then the person being tested.

Thousands of applications for permits and licenses, which lacked proper documentation. or were fraudulent. Top management was well aware this was happening, but looked the other way or made superficial attempts to correct the problem. As late as Feb. 2008 this was still going on. (See letter 6/9/05 Good morning Jack).

From 8/19/86 till 1/12/09-

My testimony today is an incomplete statement of events observed and verified by written statements, State Police Arrest Warrant documents and DMV documents. My statement to the State Police was over 23 pages and represents hundreds of written report pages. The State has spent an unbelievable amount of money, in bringing this investigation forward, and it's just the beginning of the legal process. A State Police investigative unit has a permanent place at the DMV. **It seems the State keeps investigating the State.** Mean while, Academy of Driving still has vehicles on the road, teaching new students how to drive. **This is a definition of MADNESS.**

To my knowledge we are still unsure how many people were issued drivers license's that had in fact failed their road test. (One Agent admitted to not knowing how to score a basic Road Test). That same agent also showed new agents how to conduct Road Tests. The agent had been conducting Road Tests for over 10 years without any management oversight.

I am not a disgruntled Employee. I had an excellent work record. I loved working in the Driver Education unit. I did all in my power to make corrections from within. Only as a last resort and after over 2 ½ years of bringing numerous violations to my supervisors attention did I feel my only option was to go public.

It is in this capacity, I first started inspecting retaining and new teen driving instruction classes taught by Driving Schools Inc. and Academy of Driving which are owned by Mr. & Mrs. Sousa . From my first inspection to the last one I observed in Feb 2008, it was clear the School willfully violated State Laws and Regulations on a constant basis, but more troubling the violations were happening with the full knowledge of DMV managers up to and including the Commissioner's office.

When it became clear no changes were going to happen internally, I decided the need to contact the media was the only way to protect the driving public. Even after it was clear my reports were going to be made public and Commissioner Ward had a list of over 2/ 1/2 years of violations, Mr. Sousa was still able to contact a department head and attempt to keep me from reporting violations I observed by his instructors.

After DMV'S failure became a front page story, I was assigned to help put together the investigation and soon found out the investigation was being run by the same supervisors who failed to correct the problem in the first place. **It was at that point I realized, I would have to quit my job in order to do my job.**

During the three year period I was trying to change the system from within. I had three Commissioners, three Deputy Commissioners. four upper managers plus three **Lts.** My reports fell on deaf ears, **no action was taken.**

Management allowed the situation to continue or practiced intentional blindness. The Driver Education community and upper management knew of the excesses of Academy of Driving. The Driving Schools excess was allowed to happen for political reasons, perhaps monetary reasons, but most certainly from a lack of will to correct the problem.

As examples - In 2005, Mr. Sousa was issued an extensive and final warning for failure to provide the proper hours of training to an Instructor. Witnessing signatures which did not exist and incomplete and inaccurate paper work. In 2008 this was still going on.

In 2006, the DMV failed to act and covered up a complaint that a Driving School owner had forged the signature of a Driving School instructor. *(See arrest warrant Shamper).*

In 2007, Academy of Driving was issued a 2008 license even after I documented the Audit had been a charade. *(See report).*

In 2008, Commissioner Ward failed to act and stonewalled after he received a written complaint that instructors at Academy of Driving were not getting the proper training. *(See report).*

In 2006, 2007 and 2008 Academy of Driving was allowed to refuse me access of its records with full approval of my supervisors. When the State Police gained access of the requested records it was able to verify over 600 violations, over 100 being felonies.

A reading of the Arrest Warrant shows the deceptions were long term and constant. It is documented the Academy of Driving failed to provide the level of service paid for by its clients. This failure to provide proper hours of training was done with full knowledge of DMV management.

In a report by former DMV Inspector Csiki dated **Aug 19, 1986 the following violations were documented –**

Unlicensed instructors, improper road time, improper class time, teens starting instruction prior to 16th birthday, improper issuance of SS-1 and CS-1 forms, Improper notary- for a total of 97 violations , with over 400 pages of documentation. This report was given to the Commissioner, the Board of Education and the Secretary of State. It is clear the DMV who had the main responsibility in this case, **did nothing ---**

Fast forward to 2008- the very same violations are again documented, which include 100+ felony charges and 500+ administrative charges.

For over 20 years undertrained teens have been put on the road with a willful disregard for State Laws and Regulations. The paper trail showing blatant corruption at the DMV is complete. The DMV worked tirelessly and now it's verified endlessly over twenty years to do Academy of Driving's bidding. **To this date not one person at the DMV has been held accountable.** How can this be? Where's the outrage? It is my opinion that the DMV and Academy of Driving were working together to cheat the very public, both were in place to serve.

For the State to issue a 2009 license to Academy of Driving is beyond all reason, especially since it is documented that many of its instructor's were under trained, and the schools records had been altered.

It is my belief Commissioner Ward will come before you and spin the past mistakes into success stories. Under his watch Academy of Driving finally is being prosecuted. The road test is finally being evaluated, agents and inspectors are finally going to be trained, and examples of enforcement might be sited. Don't be fooled, nothing happen in this area until I started to document the problems , look at the record, unless a constant watch is maintained, things will go back to the way it was before. The current management will work harder at being unaccountable then they will at actually solving a problem and keeping it solved. Unlike the stock market, past performance is an indication of future performance.

To sum up top managers position on safety, they talk a good talk but in reality they collect their paychecks and do not really care.

How can Mr. Sousa for over twenty years violate laws and regulations at will? The DMV gave his Driving School a major sustainable complete advantage over all the other Driving Schools in the State. In reality instead of enforcing the regulations, **the DMV practiced selective enforcement and worked for Academy of Driving.**

Please read the time lines provided to you, make no mistake, the Commissioner like all the managers before him tried to minimize the violations accumulated by Academy of Driving. I brought forth all the problems mentioned and was fought by the Commissioner and management in every instance, until the glare of publicity forced them to change course and truly investigate.

In the last state audit the main sited failure can be summed up in four words - **lack of Management Oversight.**

The law is now taking care of Academy of Driving. The School was only a symptom of a broken system, past and present DMV management is the disease. It is my hope you will look past the Spin and ask hard questions of both me and Commissioner Ward so you obtain a clear picture of the level of incompetence and corruption.

The Governor made teen driving a major issue last year. Yet in light of numerous front page stories showing the failure at the DMV, she has failed to publicly respond. The DMV has a top down problem. The rank and file will fall into line once it perceives management wants change. The current management at DMV conducts selective management. It selects to manage what gets attention in the Media.

DMV spokesmen Seymour stated in a news story there's no record indicating the academy ever reimbursed the DMV for overtime payments. So who paid for the Academy of Driving's personal inspector's overtime?
The only one left is the tax payers of this State.

It is my firm belief nothing short of Commissioner Ward and the two Deputy Commissioners stepping down and a reform Commissioner appointed will real change occur at the DMV.

I ASK THIS LEGISLATIVE BODY TO HEAR MY WORDS, FEEL OUTRAGED, BUT MORE IMPORTANT DO SOMETHING OF SUBSTANCE.

Questions that need to be answered-

The Academy of Driving had its own inspector for over ten years conducting Road tests and also its own Agent at the Driver Education unit, both with full knowledge of DMV management. The inspector incurred overtime in his capacity. **Who paid for the overtime?** Did the citizens of this State pay for a private Driving Schools extra privilege or is the money still unaccounted for.

How could a driving school be allowed to violate state laws and regulations when it was clear they were doing so on a constant basis for over twenty years?

How could the School be issued a new retraining contract when at the time it was under review, it was documented they were breaking Retraining regulations.

Why were reports made by this Agent about undue influence by Mr. Sousa ignored. On one occasion Mr. Sousa called my Lt. and stated if I did not back off my investigation he would contact **Sen. Deluca**.

Why did it take almost half a year for Commissioner Ward to remove the very managers who failed to act on past violations from being responsible for the investigation?